

ORIGINAL

Approved: _____

NICHOLAS W. CHIUCHIOLO

Assistant United States Attorney

Before: THE HONORABLE GABRIEL W. GORENSTEIN
 Chief United States Magistrate Judge
 Southern District of New York

- - - - - X
 :
 UNITED STATES OF AMERICA :
 :
 - v. - : Violations of
 : 18 U.S.C. §§ 1708,
 : 1344, 1028A, and 2
 :
 CELIBEE HERNANDEZ, :
 : COUNTY OF OFFENSE:
 : New York
 Defendants. :
 :

- - - - - 18 MAG 5044
 SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSE MENA, being duly sworn, deposes and says that he is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE

(Theft and Receipt of Stolen Mail Matter)

1. From at least in or about July 2016, up to and including in or about September 2017, in the Southern District of New York and elsewhere, CELIBEE HERNANDEZ, the defendant, knowingly did steal, take, and abstract, and by fraud and deception did obtain, and attempt so to obtain, from and out of mail, post offices, and stations thereof, letter boxes, mail receptacles, and mail routes and other authorized depositories for mail matter, and from letter and mail carriers, letters, postal cards, packages, bags, and mail, and did abstract and remove from such letters, packages, bags, and mail, articles and things contained therein, and did secrete, embezzle, and destroy such letters, postal cards, packages, bags, and mail, and articles and things contained therein, and did steal, take, and abstract, and by fraud and deception did obtain, letters, postal cards, packages, bags, and mail, and articles and things contained therein which had been left for collection upon and

adjacent to collection boxes and other authorized depositories of mail matter, and did buy, receive, and conceal, and unlawfully did have in his possession, letters, postal cards, packages, bags, and mail, and articles and things contained therein, which had been so stolen, taken, embezzled, and abstracted, knowing the same to have been stolen, taken, embezzled, and abstracted, to wit, HERNANDEZ stole and received checks out of parcels and packages of mail in New York, New York.

(Title 18, United States Code, Sections 1708 and 2.)

COUNT TWO
(Bank Fraud)

2. From at least in or about July 2016, up to and including in or about September 2017, in the Southern District of New York and elsewhere, CELIBEE HERNANDEZ, the defendant, willfully and knowingly, executed, and attempted to execute, a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution by means of false and fraudulent pretenses, representations, and promises, to wit, HERNANDEZ, obtained funds under the control of financial institutions that were insured by the Federal Deposit Insurance Corporations using stolen checks that were fraudulently endorsed to herself.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT THREE
(Aggravated Identity Theft)

3. From at least in or about July 2016, up to and including in or about September 2017, in the Southern District of New York and elsewhere, CELIBEE HERNANDEZ, the defendant, knowingly did transfer, possess, and use without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, HERNANDEZ possessed, used, and transferred the signatures of other persons during and in relation to the offense charged in Count Two of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a United States Postal Inspector. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my knowledge and experience derived from this investigation and my review of documents obtained during the course of the investigation, I have learned the following, among other things:

a. During the relevant time period, CELIBEE HERNANDEZ, the defendant, was employed by a medical practice ("Medical Practice-1") that maintained offices in a building located in New York, New York ("Medical Building-1").

b. Another medical practice ("Medical Practice-2") also maintained offices in Medical Building-1.

c. Both Medical Practice-1 and Medical Practice-2 treated patients who maintained health insurance coverage. After treating these patients, Medical Practice-1 or Medical Practice-2, as the case may be, would seek reimbursement from the patients' health insurance carriers. In turn, the health insurance carriers would mail reimbursement checks (the "Reimbursement Checks") to either Medical Practice-1 or Medical Practice-2.

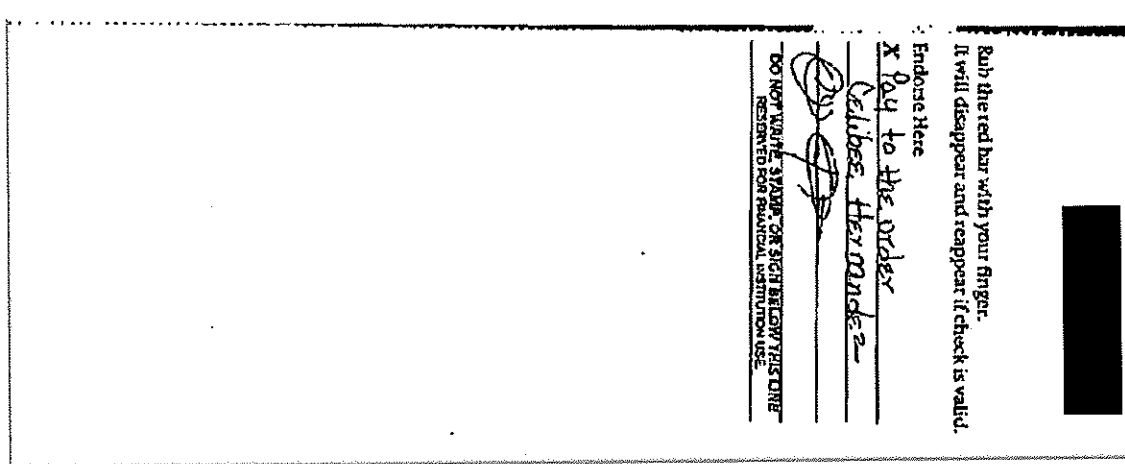
d. The Reimbursement Checks were written out to Medical Practice-1 or Medical Practice-2, as the case may be.

6. Based on my review of bank records obtained pursuant to a subpoena, I am aware of the following, among other things:

a. From on or about July 1, 2016, up to and including approximately September 11, 2017, approximately forty-eight Reimbursement Checks written out to Medical Practice-2, and approximately eighty-one Reimbursement Checks written out to Medical Partice-1, that had previously been mailed to Medical Building-1, were deposited into a bank account in the name of "Celibee Hernandez," (the "Hernandez Bank Account"). The Reimbursement Checks deposited into the Hernandez Bank Account are referred to herein as the "Stolen Reimbursement Checks."

b. The Hernandez Bank Account was maintained by a bank ("Bank-1") with numerous branches in New York, New York. The deposits of Bank-1 are insured by the Federal Deposit Insurance Corporation.

7. Based on my review of records obtained from Bank-1 pursuant to a subpoena, I have learned that, in some instances, the Stolen Reimbursement Checks were endorsed to "Celibee Hernandez." An image of the back of an endorsed Stolen Reimbursement Check is set forth below:



8. Based on my review of records maintained by the New York State Department of Motor Vehicles (the "DMV") and records obtained from Bank-1 pursuant to a subpoena, I am aware that CELIBEE HERNANDEZ, the defendant, resides at the address that is listed as the home address of the holder of the Hernandez Account.

9. Pursuant to a subpoena, I obtained bank surveillance videos of the individual who deposited some of the Stolen Reimbursement Checks into the Hernandez Account. In each video I viewed, the individual who deposited the Stolen Reimbursement

Check into the Hernandez Bank Account appeared to be CELIBEE HERNANDEZ, the defendant, whose appearance I am generally familiar with based on my review of DMV records.

10. Based on my participation in interviews of the primary doctor at each of Medical Practice-1 and Medical Practice-2, I am aware that CELIBEE HERNANDEZ, the defendant, was not authorized to deposit the Stolen Reimbursement Checks into the Hernandez Bank Account nor endorse the Stolen Reimbursement Checks to herself.

11. Based on my review of bank records and my participation in this investigation, I am aware that:

e. From at least in or about July 2016, up to and including in or about March 2017, the Stolen Reimbursement Checks made out to Medical Practice-1 that were deposited into the Hernandez Bank Account totaled approximately \$15,996.32.

f. From at least in or about August 2016, up to and including in or about September 2017, the Stolen Reimbursement Checks made out to Medical Practice-2 that were deposited into the Hernandez Bank Account totaled approximately \$164,934.01.

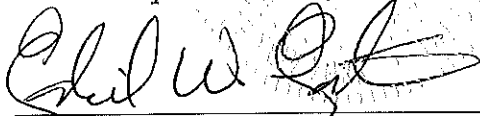


JOSE MENA

Postal Inspector

United States Postal Inspection Service

Sworn to before me this
12th day of June, 2018



THE HONORABLE GABRIEL W. GORENSTEIN
CHIEF UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK